

# Exhibit A

**From:** Noam Biale  
**Sent:** Thursday, April 12, 2018 9:45 PM  
**To:** Mermelstein, Rebecca (USANYS) <[rebecca.mermelstein@usdoj.gov](mailto:rebecca.mermelstein@usdoj.gov)>; Quigley, Brendan (USANYS) <[brendan.quigley@usdoj.gov](mailto:brendan.quigley@usdoj.gov)>; Tekeei, Negar (USANYS) <[negar.tekeei@usdoj.gov](mailto:negar.tekeei@usdoj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro <[ESpiro@shertremonte.com](mailto:ESpiro@shertremonte.com)>  
**Subject:** Re: Hirst review of trial material at MCC

My understanding - and we will verify this tomorrow - is that he has asked the officers who are present in his unit and his counselor when that person has been present. He does not have the ability, at least that he is aware of, to speak to other officials outside his unit. It would be helpful if someone with knowledge about the situation could reach out to him.

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**From:** Mermelstein, Rebecca (USANYS) <[Rebecca.Mermelstein@usdoj.gov](mailto:Rebecca.Mermelstein@usdoj.gov)>  
**Sent:** Thursday, April 12, 2018 9:40:05 PM  
**To:** Noam Biale; Quigley, Brendan (USANYS); Tekeei, Negar (USANYS)  
**Cc:** Michael Tremonte; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro  
**Subject:** RE: Hirst review of trial material at MCC

Noam,

Do you know who Mr. Hirst has been speaking to about accessing the attorney visiting rooms?

Thanks,

Rebecca

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**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Thursday, April 12, 2018 8:19 PM  
**To:** Quigley, Brendan (USANYS) <[BQuigley@usa.doj.gov](mailto:BQuigley@usa.doj.gov)>; Mermelstein, Rebecca (USANYS) <[RMermelstein@usa.doj.gov](mailto:RMermelstein@usa.doj.gov)>; Tekeei, Negar (USANYS) <[NTekeei@usa.doj.gov](mailto:NTekeei@usa.doj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro <[ESpiro@shertremonte.com](mailto:ESpiro@shertremonte.com)>  
**Subject:** Re: Hirst review of trial material at MCC

Brendan, Rebecca and Negar:

We visited Mr. Hirst this evening. He has not received the hard drive and he has been unable to access the attorney conference rooms to review the material he has.

We appreciate your continuing efforts but we will need to inform the judge tomorrow that despite those efforts, we are not making progress on this issue.

Noam

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**From:** Noam Biale  
**Sent:** Thursday, April 12, 2018 12:53:45 PM  
**To:** Quigley, Brendan (USANYS); Mermelstein, Rebecca (USANYS); Tekeei, Negar (USANYS)  
**Cc:** Michael Tremonte; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro  
**Subject:** Re: Hirst review of trial material at MCC

Ok thank you. We will visit him today and find out the latest.

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**From:** Quigley, Brendan (USANYS) <[Brendan.Quigley@usdoj.gov](mailto:Brendan.Quigley@usdoj.gov)>  
**Sent:** Thursday, April 12, 2018 12:52:09 PM  
**To:** Noam Biale; Mermelstein, Rebecca (USANYS); Tekeei, Negar (USANYS)  
**Cc:** Michael Tremonte; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro  
**Subject:** RE: Hirst review of trial material at MCC

Noam-We understand it was delivered to Mr. Hirst's lieutenant last night and that Mr. Hirst can review it in the attorney visiting rooms.

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**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Thursday, April 12, 2018 12:28 PM  
**To:** Quigley, Brendan (USANYS) <[BQuigley@usa.doj.gov](mailto:BQuigley@usa.doj.gov)>; Mermelstein, Rebecca (USANYS) <[RMermelstein@usa.doj.gov](mailto:RMermelstein@usa.doj.gov)>; Tekeei, Negar (USANYS) <[NTekeei@usa.doj.gov](mailto:NTekeei@usa.doj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro <[ESpiro@shertremonte.com](mailto:ESpiro@shertremonte.com)>  
**Subject:** RE: Hirst review of trial material at MCC

Brendan,

As of late last night, the MCC had not made the hard drive available to Mr. Hirst. Can you follow up with them to see what is going on?

Thanks,  
Noam

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**From:** Quigley, Brendan (USANYS) [<mailto:Brendan.Quigley@usdoj.gov>]  
**Sent:** Tuesday, April 10, 2018 11:26 AM  
**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>; Mermelstein, Rebecca (USANYS) <[Rebecca.Mermelstein@usdoj.gov](mailto:Rebecca.Mermelstein@usdoj.gov)>; Tekeei, Negar (USANYS) <[Negar.Tekeei@usdoj.gov](mailto:Negar.Tekeei@usdoj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro <[ESpiro@shertremonte.com](mailto:ESpiro@shertremonte.com)>  
**Subject:** RE: Hirst review of trial material at MCC

Counsel-

We have dropped off a discovery hard drive at the MCC for Mr. Hirst.

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**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Monday, April 9, 2018 4:30 PM

**To:** Mermelstein, Rebecca (USANYS) <[RMermelstein@usa.doj.gov](mailto:RMermelstein@usa.doj.gov)>; Tekeei, Negar (USANYS) <[NTekeei@usa.doj.gov](mailto:NTekeei@usa.doj.gov)>; Quigley, Brendan (USANYS) <[BQuigley@usa.doj.gov](mailto:BQuigley@usa.doj.gov)>

**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro <[ESpiro@shertremonte.com](mailto:ESpiro@shertremonte.com)>

**Subject:** RE: Hirst review of trial material at MCC

Dear Rebecca,

Thanks for your prompt response and for the government's efforts to ensure that Mr. Hirst is permitted access to the attorney rooms. We do appreciate your efforts.

We disagree, however, with the proposition that Mr. Hirst is able to participate in his defense. He is not. There is simply no way that Mr. Hirst, or anyone else for that matter, could perform a meaningful review of the voluminous trial materials in this case under the conditions of his confinement at the MCC. Your assertion that Mr. Hirst has "unlimited access to computer time in his housing unit" ignores the reality of his living conditions. It is our understanding that there is only one computer available to all of the detainees in Mr. Hirst's housing unit. Therefore, Mr. Hirst has "unlimited access" to this computer only if no other inmate is interested in using it at any time. There is no good reason to believe that is the case, and, indeed, as reported by Mr. Hirst, it is not.

Moreover, as we explained in a prior letter to the court, the computer is located in a common area and the screen is mounted on the wall next to two television screens, which are continuously in use by other detainees watching TV. Therefore, even assuming Mr. Hirst had continuous access to the computer – which, of course, he does not – he would have to review the government exhibits and 3500 materials with this distraction. It is difficult to imagine reviewing the extraordinary volume of complex documents in this case under those circumstances; at a minimum, this would slow the process considerably (more likely, absent a superhuman attention span, it would be altogether impossible).

Furthermore, as previously noted, the computer keyboard is mounted on the wall at chest height, which poses additional limitations. Mr. Hirst must stand to use the computer. Even if he were not an old man, he would need to take more breaks than he would if he were seated. Mr. Hirst must also sit every time he wishes to take notes, as there is no place to write while standing at the computer and the detainees are not permitted to create work-product on the computer using the keyboard.

These impediments – coupled with the extraordinary callousness of the corrections officers who, among other petty slights, presented Michael with the remnants of the cardboard container they took from Mr. Hirst and shredded in the attorney visiting area immediately prior to Michael's meeting with Mr. Hirst over the weekend – deprive Mr. Hirst of meaningful access to the discovery and trial documents in this case. He cannot, under these conditions, contribute meaningfully to the preparation of his defense in this case.

Noam

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**From:** Mermelstein, Rebecca (USANYS) [<mailto:Rebecca.Mermelstein@usdoj.gov>]

**Sent:** Monday, April 9, 2018 3:00 PM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>; Tekeei, Negar (USANYS) <[Negar.Tekeei@usdoj.gov](mailto:Negar.Tekeei@usdoj.gov)>; Quigley, Brendan (USANYS) <[Brendan.Quigley@usdoj.gov](mailto:Brendan.Quigley@usdoj.gov)>

**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro <[ESpiro@shertremonte.com](mailto:ESpiro@shertremonte.com)>

**Subject:** RE: Hirst review of trial material at MCC

Noam, Michael, and Barry.

We are very sorry to hear that. I just spoke to MCC again. I don't know why he was not allowed to use the attorney rooms this weekend, but I have been assured that all of the Lieutenants have been notified that he is permitted weekend access and that this will not happen again. Efforts are also being made to give Mr. Hirst some evening access to make up for this weekend. I am sympathetic to Mr. Hirst's desire for the maximum access to his trial materials and we have made every effort to assist in this regard. Given that he has unlimited access to computer time in his housing unit, however, I must note your statement that he is unable to participate in his defense under the current circumstances is incorrect.

I have also inquired about whether it would be possible to give Mr. Hirst a new box in which to store his material and have offered to drop off empty Xerox paper boxes if permitted. I am waiting to hear back.

Finally, I also inquired about any accommodation that could be made to decrease the wait time for attorney visits. Unfortunately, no such arrangement is possible.

A hard drive with the discovery is being burned now and will be provided to MCC as soon as it has completed copying.

Best,

Rebecca

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**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Monday, April 9, 2018 2:39 PM

**To:** Mermelstein, Rebecca (USANYS) <[RMermelstein@usa.doj.gov](mailto:RMermelstein@usa.doj.gov)>; Tekeei, Negar (USANYS) <[NTekeei@usa.doj.gov](mailto:NTekeei@usa.doj.gov)>; Quigley, Brendan (USANYS) <[BQuigley@usa.doj.gov](mailto:BQuigley@usa.doj.gov)>

**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; [bl3160@aol.com](mailto:bl3160@aol.com); Emma Spiro <[ESpiro@shertremonte.com](mailto:ESpiro@shertremonte.com)>

**Subject:** Hirst review of trial material at MCC

Dear Rebecca, Brendan, and Negar:

We visited Mr. Hirst this weekend and today. While we appreciate your reaching out to the MCC to facilitate his review of the trial material in the attorney rooms, they have not allowed him to do so despite his requests. In addition, the correctional officers at the MCC destroyed the cardboard box he was keeping the paper copies of the exhibits in, and consequently he is now carrying stacks of paper with no way to contain or organize them.

We ask that you redouble your efforts to get the facility to provide Mr. Hirst with the necessary time and space to review the evidence. As of now, he is unable to participate in his defense.

We would also ask that you request the MCC to make some sort of accommodation for our meetings with him. Today we waited an hour and 45 minutes, which is time we cannot spare this close to trial.

Finally, please let us know the status of getting a discovery hard drive that Mr. Hirst can review.

We hope to be able to resolve these issues with your assistance and give the judge an update on Friday.

Thanks,  
Noam

Noam Biale | Sher Tremonte LLP | 90 Broad Street, 23rd Floor, New York, New York 10004 | tel: 212.202.2600 | direct: 212.300.2445 | fax: 212.202.4156 | [nbiale@shertremonte.com](mailto:nbiale@shertremonte.com) | [www.shertremonte.com](http://www.shertremonte.com)